

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

VILT LAW, P.C.

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§
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v.

CAUSE NO. 4:22-cv-4217

JPMORGAN CHASE BANK, N.A.

§

AFFIDAVIT OF ROBERT C. VILT

STATE OF TEXAS

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§
§

COUNTY OF HARRIS

KNOW ALL MEN BY THESE PRESENTS

BEFORE ME, the undersigned authority, on this day personally appeared Robert C. Vilt who, after being duly sworn, deposes and says:

1. "My name is Robert C. Vilt. I am the President of Vilt Law, P.C. which is the Plaintiff in the above-captioned lawsuit. I have read Plaintiff's Original Complaint to which this Affidavit relates and offer this Affidavit in support of the statements and arguments asserted therein.
2. The subject matter of this lawsuit is the ownership of \$25,000,000 (the "Funds").
3. Vilt Law, P.C. is an escrow agent for HPS Production AB ("HPS"). In conjunction with it's investment in a resort development project, HPS Production AB sent the Funds via Swift GPI MT103 cash transfer on October 10, 2022 at 09:15:47 from UBS Switzerland located at Badstrasse 12, 5400 Baden, Switzerland. The Funds were received on October 10, 2022 at 10:03:16 by UBS Europe SE located in Frankfurt, Germany. The Funds automatically transferred by UBS Europe SE to JPMorgan Chase Bank, N.A. located at 383 Madison Avenue, New York, USA on October 11, 2022 at 16:23:54 at which time the Funds were automatically transferred to JPMorgan Chase Bank's location at 5177 Richmond Avenue, Houston, Texas 77056-6707.
4. The Funds are intended to be deposited into the Vilt Law, P.C. - IOLTA account ending in xx9181 ("IOLTA Account"). Instead, to date JPMorgan Chase Bank, N.A. has failed to and refuses to tender the Funds to Vilt Law, P.C.
5. The Funds are to be utilized by Vilt Law, P.C. to purchase certain real property and the improvements thereon commonly known as known as the Rum Cay Club and related Rum Cay Marina Resort as reflected in the Letter of Intent dated October 21, 2022.

6. In anticipation of receiving the Funds, I met with Ana M. Saucedo – Chase Bank Branch Manager of the 5177 Richmond Avenue, Houston, Texas location (“Sauceda”) on October 10, 2022 to alert her that a \$25,000,000 wire transfer would be coming shortly, that the funds were to be deposited into the IOLTA Account, and to alert me once the funds were received.
7. I met with Saucedo from time to time between October 11, 2022 through October 14, 2022 as I grew concerned regarding the whereabouts of his Funds. Saucedo consistently assured me that she was doing everything that she could to locate the Funds and direct them to the IOLTA account.
8. In order to help facilitate the process of locating the Funds and directing them to the IOLTA Account, I delivered a letter addressed to Saucedo to her office at Chase Bank – I was assured that the letter would be given to Saucedo.
9. I subsequently met with Saucedo on October 17, 2022 at which time Saucedo informed me that she did not receive his October 14, 2022 correspondence. Accordingly, I went to my office and promptly emailed a copy to Saucedo.
10. I sent a follow-up email to Saucedo on October 20, 2022 with detailed instructions regarding how to locate the Funds and direct same to the IOLTA Account wherein he requested an update on the progress- I did not hear back from Saucedo.
11. In order to further facilitate the process of locating the Funds and directing them to the IOLTA Account, Vilt emailed a letter addressed to Saucedo dated October 25, 2022 which included detailed instructions for locating the Funds and directing them to the IOLTA Account.
12. I sent a follow-up email to Saucedo on October 26, 2022 with the contact information for Robert Bittar – the UBS banker in Switzerland (“Bittar”) who personally handled the Funds.
13. In response, I was contacted on October 31, 2022 by Juanita – Chase Bank Claims Escalation Group (“Juanita”) who introduced herself, informed me that a formal complaint had been initiated on my behalf, and assured me that they would investigate the matter and take the necessary steps to locate the Funds and direct them to the IOLTA Account.
14. Juanita called me on November 02, 2022, requested the currency in which the Funds had been sent, and assured me that she would forward that information to the wire transfer department which was helping with the investigation.
15. Bittar sent an email to Saucedo on November 08, 2022 providing further information regarding locating the Funds.
16. Juanita and I interacted on several occasions via teleconference from November 02, 2022 through November 14, 2022 – Junita consistently assured me that they were doing everything that they could to locate the Funds.
17. In furtherance of my efforts to locate the Funds and direct them to the IOLTA Account, I emailed a letter addressed to Saucedo dated November 15, 2022 which included the 11/14/22 Interbanking Swift Screen/Tracer Delivery Report previously identified as above.”

Further affiant sayeth not.

I have read the foregoing Affidavit and attest that the information contained therein is true and correct in all respects based upon my personal knowledge.


ROBERT C. VILT

SUBSCRIBED AND SWORN TO BEFORE ME on this 5th day of December 2022.


NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

My commission expires: 09-22-2025

